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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,017	10/12/2000	James A. Salomon	F-152	6163

919 7590 12/22/2003

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EXAMINER

AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 12/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,017

Applicant(s)

SALOMON, JAMES A.

Examiner

Seyed Azarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

RESPONSE TO AMENDMENT

1. Applicant's amendment filed, 10/30/2003, has been entered and made of record.
2. Applicants' arguments with regards to Claims 1-15 have been fully considered but they are not persuasive.
3. Applicants' argues in essence that there is no teaching to "detecting the changes in the error compensation marks".

With respect to applicant's argument Examiner disagrees and indicates Moore teaches the following features, if the printed indicia is different from that provided by the CPU an error signal is activated to alert the operator. This is important when the piece is marked with an encrypted matrix which, as an example may include postage rate and a destination code before an actual destination has been assigned to that destination code to ensure correctly (column 5, lines 51-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (U.S. patent 5,917,925) in view of Baker et al (U.S. patent 5,862,243).

Regarding claim 1, Moore discloses a system for dispensing, verifying and tracking postage and other information on mail pieces, comprising the step of:

(a) Providing one or more error compensation marks in the proximity of the symbology region such that the error compensation marks are caused to exhibit changes indicative of the defect of the symbology region (column 19, lines 6-24, detection step using camera and marking error occurs).

(b) detecting the changes in the error compensation marks in order to compensate for the defect of the symbology region to ensure that the symbology region is being interpreted correctly (and column 12, lines 5-19, the illuminated symbol is captured by the camera and column 23, lines 32-42, mail piece package module has received its indicia marking also column 11, line 64 through column 12, line 5, refer to error. And column 5, lines 51-64, if the printed indicia is different from that provided by the CPU an error signal is activated to alert the operator).

However Moore is silent about "defect of the symbology". On the other hand Baker et al in the same field of mail processing teaches column 2, lines 6-14, a defected state is determined by evaluation and generating an image of a barcode (or symbology) on the mail piece.

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Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Moore invention according to the teaching of Baker et al because it provides evaluation system to evaluate the image and identify a visual defect marker corresponding to the ZIP code which improve efficiency of the time and enhancement of image.

Regarding claim 2, Moore discloses the method, wherein the symbology region includes an OCR character region (column 23, lines 38-45, CCD camera).

Regarding claim 3, Moore discloses a method the method, wherein the error compensation marks include a plurality of timing marks for identifying the defect of the OCR character region caused by irregularities in transport of the mail piece through the indicium printing device (column 11, line 63 through column 12, line 5, error signal is activated to alert the operator).

Regarding claim 4, Moore discloses the method, wherein the irregularities are the result of a mismatch between transport velocity for transporting the mail piece and timing signals of the printing device (column 14, line 64, through column 15, line 9, refer to time and printer).

Regarding claim 5, Moore discloses the method, wherein the print device includes a print head having a plurality of inkjet nozzles, and wherein the irregularities are the result of a misalignment of the transport mechanism with the print head, causing the inkjet nozzles to appear skewed relative to a transport direction of the transport mechanism (column 21, lines 1-11, indicia marks to the mail pieces uses a typical ink jet printer).

Regarding claim 6, Moore discloses the method, wherein the irregularities are the result of an uneven surface section of the mail piece (column 13, lines 11-19, result of marking the mail pieces can be scanned).

Regarding claim 7, Moore discloses the method, wherein the error compensation marks include at least one graphic image for identifying the defect of the OCR character region caused by irregularities in the postage indicium producing device (column 20, lines 13-21, refer to graphic symbols).

Regarding claim 11, Moore discloses the method, wherein the symbology region includes an OCR character region and the symbols include OCR characters (column 11, line 59 through column 12, line 4, indicia symbol is being printed and refer to CCD camera).

Regarding claim 12, Moore discloses the system, wherein the second mechanism includes an optical scanner and the data includes a scanned image (column 24, line 55-60, CCD camera 94).

Regarding claim 13, Moore discloses the system, wherein the third mechanism includes an image processing algorithm to compare the scanned image with a fixed set of graphical information in order to detect changes in the error compensation marks (column 23, lines 57-64, compare the captured image).

Regarding claim 14, Moore discloses the system further comprising an OCR reader, operatively connected to the optical scanner, for recognizing the OCR characters (Fig. 6. column 24, lines 14-21, CCD camera and connection to central processing).

Regarding claim 15, Moore discloses the system, wherein the OCR reader is operatively connected to the third mechanism to compensate for the defect in the OCR characters, according to the detected changes in the error compensation marks (column 13, lines 55-61, the filed reader to obtain validation).

Regarding claims 8 and 9, recite similar limitation as claim 5 and is similarly analyzed.

Regarding claim 10, recite similar limitation as claim 1 and is similarly analyzed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907.

The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (*informal* or *draft* communications, should be clearly labeled to expedite delivery to examiner).

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

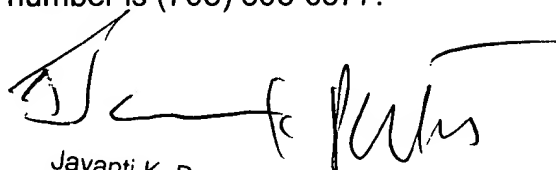
Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Seyed Azarian

Patent Examiner

Group Art Unit 2625

December 16, 2003


Jayanti K. Patel
Primary Examiner

